

**UNITED STATES DISTRICT COURT**

**for**

**EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION**

**U.S.A. vs. Kerwyn Dean Russ**

**Docket No. 7:05-CR-14-1**

**Petition for Action on Supervised Release**

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kerwyn Dean Russ, who, upon an earlier plea of guilty to Possession of Firearms by a Person Subject to a Domestic Violence Restraining Order, 18 U.S.C. § 922(g)(8), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on September 19, 2005, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
5. The defendant shall participate in an approved program for domestic violence.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.

**Kerwyn Dean Russ**  
**Docket No. 7:05-CR-14-1**  
**Petition For Action**  
**Page 2**

8. The defendant shall provide the probation office with access to any requested financial information.

Kerwyn Dean Russ was released from custody on March 20, 2009, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On May 27, 2010, the releasee submitted a urine specimen which revealed positive results for marijuana. The releasee denied using any illegal drugs and the specimen was forwarded to KROLL Laboratory for confirmation. The specimen was returned confirming the positive result for marijuana.

On June 15, 2010, at approximately 11:00 a.m., during an unannounced home inspection, it was revealed the releasee and his wife had been arguing the night before and the releasee had packed up his belongings and left the residence. The wife informed the probation officer the releasee had gotten so mad that he started choking her before he left the residence. The police were not called and no formal allegations were filed. The wife submitted a written statement regarding the incident.

On June 15, 2010, at approximately 2:00 p.m., the releasee reported to the probation office and gave a written statement admitting to fighting with his wife. He further stated he left the residence to get away from the situation before it escalated further. The releasee stated he was suffering from depression due to being unemployed and having both financial and marital problems. He further advised he and his wife had been arguing a lot due to the financial problems.

It is recommended the releasee's conditions be modified to include 90 days in a residential reentry center, as a sanction for his behavior. This will provide him a structured environment while assisting him with finding employment. It is also recommended his conditions be modified to include cognitive behavioral therapy and a vocational training program. The releasee has been referred to both mental health and substance abuse treatment.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**Kerwyn Dean Russ  
Docket No. 7:05-CR-14-1  
Petition For Action  
Page 3**

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall undergo placement in a residential reentry center for a period of 90 days as arranged by the probation office and shall abide by the conditions of that program during said placement.
2. The defendant shall participate in such vocational training program as may be directed by the probation office. Such program may include job readiness training and skills development training.
3. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton  
Pamela O. Thornton  
Senior U.S. Probation Officer  
2 Princess Street, Suite 308  
Wilmington, NC 28401-3958  
Phone: (910) 815-4857  
Executed On: June 18, 2010

**ORDER OF COURT**

Considered and ordered this 22<sup>nd</sup> day of June, 2010, and ordered filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge